



382.1029DIV2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Applicants: Kazuko SHINOZAKI, et al.
Serial No.: 10/668,627
Filed: September 23, 2003
For: **ENVIRONMENTAL STRESS-TOLERANT
PLANTS**
Examiner: David H. Kruse
Art Unit: 1616

DECLARATION OF INVENTORS
KAZUKO SHINOZAKI AND MIE KASUGA UNDER 37 C.F.R. § 1.132

S I R:

We, Kazuko Shinozaki (also known as Kazuko Yamaguchi-Shinozaki) and Mie Kasuga declare as follows:

1. We are the co-inventors of the above-identified U.S. patent application. We have read and understood the specification and claims of the above-identified application, which is a divisional application of and claims priority under 35 U.S.C. § 120 to U.S. Patent Application No. 09/301,217, which was filed on April 28, 1999, as well as the Office Action mailed by the United States Patent and Trademark Office on May 18, 2006.

2. We understand that claims 5-8 stand rejected under 35 U.S.C. § 103(a) as being obvious over Q. Liu et al., "Two Transcription Factors, DREB1 and DREB2, with an EREBP/AP2 DNA Binding Domain Separate Two Cellular Signal Transduction Pathways in Drought-and Low-Temperature-Responsive Gene Expression, Respectively, in Arabidopsis," The Plant Cell, Vol. 10, pp. 1391-1406, August 1998 ("the Liu et al. article") in view of ZK Shinwari et al., "An Arabidopsis gene family encoding DRE/CRT binding proteins involved in Low-temperature-

responsive gene expression," Biochemical and Biophysical Research Communication, Vol. 250, pp. 161-170, September 1998 ("the Shinwari et al. article").

3. We are listed as co-authors along with Drs. Qiang Liu, Yoh Sakuma, Hiroshi Abe, Setsuko Miura and Kazuo Shinozaki on the Liu et al. article.

4. With respect to the disclosure set out in the Liu et al. article, Drs. Qiang Liu, Yoh Sakuma, Hiroshi Abe, Setsuko Miura and Kazuo Shinozaki learned or received knowledge about the invention from us, the inventors of the subject matter of the above-identified application. Drs. Qiang Liu, Yoh Sakuma, Hiroshi Abe, Setsuko Miura and Kazuo Shinozaki are not co-inventors of the subject matter of the above-identified application. Instead, Drs. Qiang Liu, Yoh Sakuma, Hiroshi Abe, Setsuko Miura and Kazuo Shinozaki were involved merely with investigations to the extent of carrying out assignments and work under the supervision and direction of the inventors. Drs. Qiang Liu, Yoh Sakuma, Hiroshi Abe, Setsuko Miura and Kazuo Shinozaki were listed as co-authors of the Liu et al. article in order for them to be able to receive credit for having collaborated in the research program under the above-named inventors' direction.

5. We are listed as co-authors along with Drs. Zabta K. Shinwari, Kazuo Nakashima, Setsuko Miura, Motoaki Seki and Kazuo Shinozaki on the Shinwari et al. article.

6. With respect to the disclosure set out in the Shinwari et al. article, Drs. Zabta K. Shinwari, Kazuo Nakashima, Setsuko Miura, Motoaki Seki and Kazuo Shinozaki learned or received knowledge about the invention from us, the inventors of the subject matter of the above-identified application. Drs. Zabta K. Shinwari, Kazuo Nakashima, Setsuko Miura, Motoaki Seki and Kazuo Shinozaki are not co-inventors of the subject matter of the above-identified application. Instead, Drs. Zabta K. Shinwari, Kazuo Nakashima, Setsuko Miura, Motoaki Seki and Kazuo Shinozaki were involved merely with investigations to the extent of carrying out assignments and work under the supervision and direction of the inventors. Drs. Zabta K. Shinwari, Kazuo Nakashima, Setsuko Miura, Motoaki Seki and Kazuo Shinozaki were been listed as co-authors of the Shinwari et al. article in order for them to be able to receive credit for having collaborated in the research program under the above-named inventors' direction.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true. Further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued hereon.

Date: August 10, 2006

Mie Kasuga
Mie Kasuga

Date: August 10, 2006

Kazuko Y-Shinozaki
Kazuko Yamaguchi-Shinozaki